

REMARKS

Claims 1 - 16 are all the claims pending in the application. Claims 9 and 11 are cancelled. Claims 13 - 16 are added as new claims.

Claims 1 - 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S.P. No. 5,384,643 ("Inga") in view of U.S.P. No. 6,396,941 ("Bacus"). Applicant respectfully traverses this rejection as follows.

In an exemplary, non-limiting embodiment, the instant invention relates to a system, method and storage medium comprising an image display terminal connected via a network to an image server. The image server is capable of classifying image data according to predetermined subscription conditions and is further capable of creating at least one "folder" for managing the image data classified according to the predetermined subscription conditions. The display terminal is capable of subscribing to a desired folder and when new image data satisfying the predetermined subscription conditions has been stored on the image server in said at least one folder, notification and/or said new image data is acquired by said display terminal.

Turning now to the primary prior art, Inga relates to an image transmission system that uses patterned data compression over telecommunications lines (*see Abstract*). The Inga system stores high resolution images, includes image scanning and digitizing means, as well as image data storage and retrieval means, and telecommunications means for transmission to a remote display terminal (*see Col. 6, line 65 to Col. 7, line 12*).

Claims 1-8, 10 and 12 are all independent claims which recite the features of a subscription, predetermined subscription conditions, specification procedures, and/or acquisition of notification. At least these features are absolutely absent in the Inga and Bacus references.

The Examiner alleges that the Inga reference, at Col. 13, lines 11 - 27, somehow teaches or suggests predetermined subscription conditions. This recitation, however, merely relates an image pattern compression method whereby images are compressed for phone-line transmission and has nothing to do with predetermined subscription conditions. Moreover, the entirety of the Inga reference utterly fails to teach or suggest predetermined subscription conditions. The Bacus reference fails to cure these deficiencies. Accordingly, because of the deficiencies of the prior art, Applicant requires that the Examiner reconsider and withdraw the rejection of claims 1 - 8 and 10.

Further as to claim 12, this claim recites specification procedures features and notification acquisition features. Claims 1, 2, 4, 6, 7, 8 and 10 recite notification features similar to the notification acquisition features of claim 12. At least these features are additionally absolutely absent from both the Inga and Bacus references, as explained below.

Claim 12's recitation of "specification procedures" relates to features analogous to the above-described "predetermined subscription conditions" features as recited by claims 1 - 8 and 10. The "specification procedures" features of claim 12 thus makes claim 12 patentable for reasons analogous to those above reasons finding claims 1 - 8 and 10 patentable (by virtue of the similarity between the recital of "predetermined subscription conditions" features and the recital of "specification procedures" features).

The Examiner alleges that the Inga reference, at Col. 11, lines 20 - 37, somehow teaches or suggests the notification features recited by claims 1, 2, 4, 6, 7, 8, 10 and 12. This recitation, however, merely relates to writing an image file to a compact disk and logging each file received in a control computer and has nothing to do with acquisition of notification as recited by the

above claims. Indeed, the Examiner's citation states that "no attempt is made to organize a single patient's file onto a single compact disk . . ." Such is contrary to the instant invention's organization by predetermined subscription conditions and subsequent acquisition of notification. Indeed, in the Examiner's citations there fails to be any notification features. Moreover, the entirety of the Inga reference utterly fails to teach or suggest notification features (and/or acquisition of new image data according to a subscription). The Bacus reference fails to cure these deficiencies. Accordingly, because of the deficiencies of the prior art, Applicant requires that the Examiner reconsider and withdraw the rejection of claims 1, 2, 4, 6, 7, 8, 10 and 12 for at least these addition reasons.

The Examiner further alleges that the Inga reference, at Col. 4, lines 30 - 42, somehow teaches or suggest specifying a subscription. This recitation, however, merely relates to the filing of original medical images and/or archival of older images off the hospital grounds or in CD-ROM format for archiving at the hospital. Inga is thus further deficient as to claims 1, 2, 7, and 8, and these claims are thus patentable at least for this additional reason. Bacus fails to cure these deficiencies. Applicant requires that the Examiner reconsider and withdraw the rejection of these claims for this additional reason.

As explained above, the instant invention includes features that are altogether absent in the prior art relied upon as the basis for rejection. Accordingly, Applicant requires that the Examiner reconsider and withdraw the current rejections. Additionally, Applicant amends the original claims to correct for certain informalities. Lastly, Applicant adds new claims 13 - 16 to further define the invention.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/773,248

Attorney Docket No.: Q62889

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

David V. Williams, Reg. # 45,221 for
Jason C. Beckstead
Registration No. 48,232

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 2, 2004